

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**JAMES DAVISON et al.,**

Plaintiffs,

v.

No. 3:20-cv-01387-AC

**FOREMOST INSURANCE COMPANY,  
GRAND RAPIDS, MICHIGAN,**

OPINION AND ORDER

Defendant.

**MOSMAN, J.,**

On June 1, 2021, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F. & R.) [ECF 22]. Judge Acosta recommended that I grant Plaintiffs' Partial Motion for Summary Judgment [ECF 5] and deny Defendant's Motion for Summary Judgment [ECF 14]. No objections were filed. Upon review, I agree with Judge Acosta.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

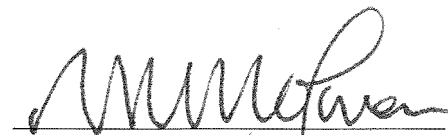
the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Acosta's findings and recommendation, and I ADOPT the F. & R. [ECF 22] as my own opinion. I GRANT Plaintiffs' Partial Motion for Summary Judgment [ECF 5] and DENY Defendant's Motion for Summary Judgment [ECF 14].

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of June, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge